

MINUTES
Regular Meeting of the College Park City Council
Tuesday, December 13, 2016
Council Chambers
7:30 p.m. – 10:04 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 7:55 p.m.), Day, and Cook (arrived at 7:32 p.m.).

ABSENT: Councilmember Kujawa.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Terry Schum, Director of Planning; Peggy Higgins, Director of Youth, Family and Senior Services; Robert Marsili, Assistant Director of Public Works; Miriam Bader, Senior Planner; Ryna Quiñones, Communications Coordinator; Chris Keosian, Student Liaison.

Mayor Wojahn opened the meeting at 7:30 p.m.

Announcements:

Councilmember Brennan announced Third Thirsty Thursday on Thursday night from 5 – 7 p.m. at Ledo's.

Councilmember Dennis said tomorrow's Coffee Club has been cancelled. The annual tribute to Dr. Martin Luther King, Jr. will be held on January 14 at the University of Maryland Chapel.

Councilmember Cook said the Chinese Bible Church will inaugurate their new public space at 2:00 p.m. on Saturday.

City Manager's Report: Mr. Somers said this is the last week of the One Warm Coat drive. The leaf collection calendar is updated each week on the City's website. He gave construction updates on the Duvall Field project and the Public Works Modular Building.

Amendments To And Approval Of The Agenda: Approved without amendment (Brennan/Day) 6 – 0 – 0.

Public Comment On Consent And Non-Agenda Items:

Dave Dorsch, 4607 Calvert Road: Council should let residents ages 65+ park for free in the City. When are we going to get railings in front of the Cornerstone? The University should help fund them.

Presentations: Bill Gardiner introduced Erin Caldwell, Project Manager, NRC, who reviewed the 2017 resident survey. The six page survey packet will be mailed to 1900 households in late January, 2017. Assuming a rate of return of 16 – 25%, they should receive back 300 – 475 responses. Draft report expected in early April.

CONSENT AGENDA:

A motion was made by Councilmember Day and seconded by Councilmember Dennis to adopt the Consent Agenda, which consisted of the following:

- 16-R-32 Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendations Of The Advisory Planning Commission Regarding Appeal Number CEO-2016-02, Located At 4606 Calvert Road, College Park, Maryland, Recommending A Waiver From The Code Of The City Of College Park §87-23B “Fences” To Permit Construction Of A Fence Within The Front Yard And A Waiver From The Code Of The City Of College Park §87-23C “Fences” To Permit A Fence In The Side Yard Without The Prescribed Side Lot Line Setback.**
- 16-G-155 Award of contract (in a form acceptable to the City Attorney) for roof replacement at the Youth and Family Services Building to Mylander Builders of Middle River, MD in an amount not to exceed \$43,000 – Bob Stumpff, Director of Public Works and Robert Marsili, Assistant Director of Public Works**
- 16-G-158 Approval of an FY '17 Public School Education Grant for \$7,500 to Greenbelt Middle School for College Awareness – Peggy Higgins, Director of Youth, Family and Senior Services**
- 16-G-159 Approval of Minutes: November 1, 2016 Worksession; November 15, 2016 Regular Meeting; November 22, 2016 Regular Meeting; November 22, 2016 Worksession; December 5, 2016 Legislative Dinner. Confidential Minutes (provided separately) of the closed sessions of October 18, October 25, November 15 and November 22, 2016.**

The motion passed 7 – 0 – 0.

ACTION ITEMS:

- 16-G-160 Approval of Detailed Site Plan 15046 for Honda, subject to conditions, and approval of an Agreement**

Ms. Bader said the applicant agrees with conditions 1, 2 and 3, but has issues with condition #4 concerning the Agreement.

Thomas Haller, attorney for the applicant, said they filed for a Use and Occupancy Permit which is being reviewed by Park and Planning, and they are hopeful to have it approved by the end of the week, then DPIE would do the inspection, then the U&O would be issued. He said there is no legal connection between the two properties; therefore, they don't believe an agreement is necessary. If there is a problem, the Council can appeal the Planning Board's decision.

Ms. Ferguson said the connection is that this owner (Honda) is asking Council's support for a Detailed Site Plan amendment, and they store inventory across the street at a property owned by someone else which is not in compliance with the current U&O for that property. Therefore, it becomes an enforcement issue for the City, but the City would be enforcing against someone else, not Honda. The weight of bringing them into compliance falls on the other owner for the use that Honda is making of their property. It is encouraging to know that they have filed for the U&O amendment. The City's interest is to be sure that the other activities being conducted by this applicant are lawful.

Mr. Haller said they understand that because Honda is keeping vehicles over there, they need to be on the permit. Now that City staff has raised this issue with them, they are taking action to clear that up, and pledge to see this through to completion. He believes the amendment to the site plan will be approved by the end of the week.

Mayor Wojahn asked if the City's support can be contingent upon approval by M-NCPPC for the amendment to the site plan. Mr. Haller said he will commit to this before the Planning Board on Thursday.

Councilmember Kabir raised the issue of access to the dealership from US 1: the driveway is not at a traffic light and some residents have expressed concern because there may be an increase in traffic. He asked the applicant what they can do about this.

Mr. Haller said they don't expect an increase in traffic due to the additional service bays. The State Highway Administration approved the entrance to this dealership, and to another one to the south, when it was built. If you move the entrance over you are going to create a bottleneck which will create a hazardous situation on US 1.

Ms. Schum said no traffic study was required for this DSP amendment so staff has no way to assess whether traffic will increase. SHA staff looked at a referral for this project and didn't recommend any access changes for this site. This situation of the center turn lane is not uncommon on US 1 and will be addressed when the roadway is rebuilt and a median is added.

Councilmember Kabir asked Mr. Haller if Honda would pursue an easement with Nissan to the south to get access to the light at Fox. Mr. Haller said that property has a different owner and there is not likely to be a desire to allow this.

A motion was made by Councilmember Cook and seconded by Councilmember Nagle to recommend approval of Detailed Site Plan 15046 subject to the following:

- 1. Prior to certification of the Detailed Site Plan (DSP), the Applicant shall revise the site plan to:**
 - a. Show the 0.12 acre on-site Afforestation Area that is delineated on Sheet R-1, Site Rendering.**
 - b. Show curb stops or bollards along the parking area at the northern property line with Hyundai, located at 9500 Baltimore Avenue. No more than two cross-access driveways will be permitted between the two properties.**
 - c. Show relocation of the existing bus shelter to the west side of the existing public sidewalk, subject to State Highway Administration approval.**

- d. **Show four pedestrian light fixtures extending from the four existing on-site security light poles, subject to State Highway Administration and City of College Park approval.**
 - e. **Add a note to the site plan stating “No washing of vehicles shall be permitted on-site unless the facility is located inside an existing structure and water drains to an approved closed system.”**
2. **Revise the Landscape Plan to correct the calculations for Section 4.2 and add the additional two shrubs for a total of 52 shrubs to the landscape strip along Route 1/Baltimore Avenue.**
3. **Prior to issuance of a use and occupancy permit, repave, where necessary, and restripe the parking lot to reflect the approved site plan including the following:**
 - a. **Label the display and customer parking spaces**
 - b. **Stripe the no parking lot islands**
 - c. **Paint directional arrows to show parking lot circulation**
 - d. **Stripe the pedestrian path from the public sidewalk along US 1 to the showroom entrance**
 - e. **Provide a marked crosswalk at the US 1 driveway entrance**
4. **The City’s support for this Detailed Site Plan is conditional upon the applicant obtaining a Use and Occupancy Permit for its use at 9523 Baltimore Avenue (the Queenstown RV property).**

The motion carried 6 – 0 – 1 (Kabir abstained).

16-R-33 Adoption of Resolution 16-R-33 to establish a College Park Seniors Committee

A motion was made by Councilmember Brennan and seconded by Councilmember Kabir to adopt Resolution 16-R-33 to establish the College Park Seniors Committee.

Councilmember Brennan said the Council reviewed the recommendations of the Aging-In-Place Task Force in September. Council decided to create the Seniors Committee for the purposes stated in the Resolution. Communication and awareness of the City’s resources for seniors has already improved and he hopes the City can work with the various grass roots organizations to continue those efforts.

Comments from the audience:

Dave Dorsch, former Co-Chair, Aging-In-Place Task Force: He thinks this is a good idea; we can continue to gather information about resources.

Councilmember Kabir hoped this would help residents stay in their homes as they age.

The motion passed 7 – 0 – 0.

16-R-34 Adoption of Resolution 16-R-34 in support of a state-wide ban on hydraulic fracturing

A motion was made by Councilmember Brennan and seconded by Councilmember Cook to adopt Resolution 16-R-34, a Resolution in support of a state-wide ban on hydraulic fracturing.

Councilmember Brennan said the University of Maryland SGA Sustainability Committee has requested Council's support of a statewide ban on hydraulic fracturing ("fracking"). In 2014 and 2015 the Council also took positions in opposition to fracking. There are many unknowns about fracking and it is right to be cautious.

Comments from the audience:

Dave Dorsch, 4607 Calvert Road: He was involved in fracking many years ago in Pennsylvania and if it is done right, there aren't any problems. We need fossil fuels and doing these bans doesn't help. We need to understand fracking and learn how to eliminate any problems. Base your position on facts, not emotion.

Maya Spar, 4801 Berwyn House Road: This ban is needed and important. She reviewed the health concerns that have been associated with fracking and said even if it was done in other parts of the state it would directly affect College Park. The EPA just reversed their position on the contamination of drinking water after having the time to conduct studies.

Amelia Avis, 7660 Regents Drive: Fracking is not the only way to harvest natural gas so voting for a ban on fracking is not a vote against fossil fuels. The process used in the last decade involves a much more invasive procedure. The EPA has now said that the use of fracking has a strong negative effect on drinking water.

Emily Blaze, 9104 Drake Place: In order to make real progress we need to ensure this practice is banned throughout the state. Fracking anywhere in Maryland would have harmful downstream effects. The current moratorium expires in October 2017 so they are hoping the Maryland General Assembly will pass the ban in the next legislative session.

Councilmember Cook said we have a letter from the two Co-Chairs of the CBE supporting this resolution.

Councilmember Nagle said she needs to abstain due to her day job in Water Administration at the Maryland Department of the Environment which is tasked with drafting regulations governing hydraulic fracturing in Maryland.

Councilmember Stullich said the testimony and letter from the CBE were both compelling. She cited other research that has raised concerns about this practice.

The motion passed 6 – 0 – 1 (Nagle abstained).

16-G-161 Award of contract for the public safety study

Mr. Ryan provided an overview: This item is for the award of a contract to conduct a public safety and police services study which was originally proposed by the City Manager in his budget request and subsequently adopted by Council. An RFP was issued and 9 proposals were received. The City Manager created a team to thoroughly review each proposal. The staff recommendation is to award the contract to Police Foundation in the amount of \$67,261.61. It has been 10 years since the previous study.

Councilmember Nagle asked about the suggestion to use the 9-1-1 call center to mobilize City resources in an emergency. Mr. Ryan said that was added to the study to see if there is a possibility to have the County 9-1-1 center to mobilize City resources in the event of a disaster. We rely on them anyway and will explore whether they can help in this regard.

Councilmember Dennis hopes this study will take into consideration situations where people call 9-1-1 and don't get any answer. Mr. Ryan said the study will use focus groups to learn of community concerns.

Councilmember Kabir said the previous study explored costs for 2 models of a City police department – full service vs. patrol only – and asked if this study will examine both. Mr. Ryan said yes. He added there is a 6 – 7 month time line for completion of the project. When the contract is awarded then the exact schedule will be determined. There is a possibility to have one of the focus groups to be with Council. They will present their final report to Council. Mr. Somers said one of the reasons we are recommending this company is because of their emphasis on community outreach.

A motion was made by Councilmember Kabir and seconded by Councilmember Stullich to award a contract, subject to approval by the City Attorney, in an amount not to exceed \$67,261.61 to Police Foundation to conduct a Public Safety and Police Services Study; and, to authorize the City Manager to sign the contract.

Comments from the audience:

Dave Dorsch, 4607 Calvert Road: It sounds like we are going to have two surveys taking place at the same time. We should complete the first survey before doing the second.

The motion passed 7 – 0 – 0.

16-G-162 Approval of an MOU for expansion of bikeshare system outside of City limits

Ms. Ferguson provided an overview: This is a proposed template MOU to be used to allow new entities to join in the City's bikeshare. Zagster is willing to do this. Instead of coming to Council each time to approve additional participants, we wanted to provide the template MOU for Council's review and approval. Any MOU would be in place only during the remaining term of the contract with Zagster. The City and University support the expansion of the system and would still be in control of the operation.

A motion was made by Councilmember Stulich and seconded by Councilmember Kabir to approve a Memorandum of Understanding in substantially the form attached for use with third party requests for Additional Locations and Additional Bicycles outside City limits.

Councilmember Stulich said that adding other entities will help strengthen our bikeshare program.

Comments from the audience:

Bob Catlin, 8604 49th Avenue: This is an exciting development. The County finally came out with a consultant study that recommended a three-phase roll out. Our bikeshare systems might have to be tied together eventually.

The motion passed 7 – 0 – 0.

16-G-163 Approval of a letter to M-NCPPC with City comments on Module 2 Development Standards and Module 3 Subdivision Regulations of the Prince George's County Zoning Rewrite

Ms. Schum provided an overview: this is a preliminary letter to be sent to Park and Planning with comments discussed at last week's Worksession. The Council's discussion will continue in January and remaining comments will be sent later.

Councilmember Stulich commented on the letter and discussed Sections 27-5.1300 Signage, 27-5.1400 Green Buildings, 27-5.1000 Neighborhood Compatibility, and Fences and Walls. Certain revisions to the letter regarding these sections were discussed. Councilmember Nagle requested that Fences and Walls be removed entirely pending further discussion in January.

A motion was made by Councilmember Stulich and seconded by Councilmember Nagle to send a letter in substantially the form attached to the Maryland-National Capital Park and Planning Commission with the City's comments on Module 2 and Module 3, Subdivision Regulations, of the draft Prince George's County Zoning Rewrite.

The motion carried 7 – 0 – 0.

16-G-164 Appointments to Boards and Committees

A motion was made by Councilmember Dennis and seconded by Councilmember Day to appoint Brittany Crawford to the Martin Luther King Tribute Committee, to name Sue Rishworth as an Honorary Member of the Martin Luther King Tribute Committee, to appoint Shawn Anderson and Molly MacLaren to the Candidates' Debate Workgroup, to reappoint John Krouse to the Tree and Landscape Board, to reappoint Suzie Bellamy to the Noise Control Board, and to appoint Andrea Beatty as the CHUM representative to the NQOL pending receipt of her application. The motion carried 7 – 0 – 0.

MAYOR AND COUNCIL REPORTS/COMMENTS:

In regard to the school grant that was approved earlier, Councilmember Nagle said it is pretty sad that schools have to go to Best Buy and to a private bus service for Chromebooks and transportation rather than riding a state contract so that schools could get more for their money. She asked for a future Worksession about policies/procedures for closed sessions. She said we are a little behind on the holiday lights contest but still plan to do it this year.

Mayor Wojahn said this is the last Council meeting of the year and mentioned a holiday concert taking place next week.

STUDENT LIAISON COMMENTS: Mr. Keosian thanked the Council for passing the fracking-ban resolution and discussed the schedule for finals.

COMMENTS FROM THE AUDIENCE:

Bob Catlin, 8604 49th Avenue (Board Member, College Park Academy): Work is progressing nicely on the new building for the College Park Academy and hopes it will be open in time for the next school year.

ADJOURN:

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the regular meeting and enter into a closed session to consider the acquisition of real property for a public purpose, consult with Counsel on a legal matter, and discuss a negotiation strategy before a contract is awarded. The motion passed 7 – 0 – 0 and the Council adjourned the regular meeting at 10:04 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 11:24 p.m. on December 6, 2016, during a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Day and seconded by Councilmember Kujawa to enter into a Closed Session to: 1) Consider the acquisition of real property for a public purpose and matters directly related to such acquisition; 2) Consider a matter that concerns the proposal for a business to locate in Prince George's County; 3) Consult with Counsel on a legal matter. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 11:30 p.m.

Present: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich, Day, Cook and Kujawa.

Absent: None.

Also Present: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Terry Schum, Director of Planning.

Topic Discussed: 1) Request from a developer for public financing for a project; 2) Request from a developer to annex into to the City and for public financing for a project.

Action Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the closed session, and at 11:55 p.m. with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the closed session.

Pursuant to §C6-3 of the College Park City Charter, at 10:04 p.m. on December 13, 2016, during a regularly scheduled meeting of the College Park City Council, a motion was made by Councilmember Brennan and seconded by Councilmember Day to enter into a Closed Session to: 1) Consider the acquisition of real property for a public purpose and matters directly related to such acquisition; 2) Consult with Counsel on a legal matter; 3) Discuss a negotiating strategy before a contract is awarded. The motion passed 7 – 0 – 0 and the Council entered into the closed session at 10:10 p.m.

Present: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich, Day, and Cook.

Absent: Councilmember Kujawa was absent but participated by telephone.

Also Present: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Terry Schum, Director of Planning.

Topic Discussed: Mr. Somers and Ms. Ferguson provided an update to Council on developments relating to the acquisition of real property for a public purpose.

Action Taken: Council authorized staff to move forward with a negotiation based on an appraisal.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Stullich to adjourn the closed session, and at 10:58 p.m. with a vote of 7 – 0 – 0, Mayor Wojahn adjourned the closed session.